REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27, and 29-36 are pending in this application. Claims 37-44 are canceled without prejudice. Claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31, 33, 35, 37, 39, 41, and 43 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. patent 5,341,154 to Bird, U.S. patent 5,594,619 to Miyagawa et al. (herein "Miyagawa"), and further in view of U.S. patent 5,208,736 to Crooks et al. (herein "Crooks"). Claims 3, 6, 11, 14, 19, 22, 27, 30, 32, 34, 36, 38, 40, 42, and 44 were rejected under 35 U.S.C. §103(a) as unpatentable over Bird, Miyagawa, Crooks, and further in view of U.S. patent 5,898,600 to Isashi.

Those rejections are traversed by the present response as discussed next.

Initially, applicants note certain grounds for rejection rely on Official Notice. Applicants traverse that position and require that prior art be cited for the positions for which Official Notice is taken. Further, as discussed in further detail below the positions for Official Notice are improper and do not even correspond to the claimed features.

The claims are amended by the present response to clarify features therein.

The independent claims incorporate certain limitations from respective dependent claims 37-44, although with certain broader language than previously recited in claims 37-44. Applicants also respectfully submit the features recited in claims 37-44 were not properly considered.

The claims clarify that the at least first operating means or unit can operate the information processing device when the display body is in "each of the open position and turned rotated position". The claimed features are believed to be clear for example from Figures 2 and 7A-7D in the present specification, and thus do not raise any issues of new matter.

With reference to Figures 7A-7D in the present specification as a non-limiting example, the claimed information processing device includes at least first operating elements (e.g. buttons B1-B4) and second operating elements (e.g. dial 32).

As evident for example from Figures 7A-7D the first operation elements (e.g. buttons B1-B4) are separate from the keyboard 21 and are adjacent to the keyboard 21. Further, those first operating elements can be operated when the display body 30 is in an open position as shown in Figure 7A, and when the display body 30 is in a turned rotated position as shown in Figures 7B-7D.

As also shown in Figures 7A-7D a second operating element (e.g. dial 32) can be operable when the display body is in the turned rotated position. Further, the first operating elements (e.g. buttons B1-B4) and the second operation element (e.g. dial 32) are positioned on the same left or right side of the display screen when the display body 30 is in the open position (see Figure 7A), and when the display body is in a turned rotated position the second operating element (e.g. dial 32) is positioned on an opposite left or right side of the display screen as the first operating elements (e.g. buttons B1-B4) (see Figures 7B-7D).

The outstanding rejection is not properly considering several of the claimed features and misconstruing the teachings in the applied art in several aspects.

As noted above, the claims are amended to clarify that the at least first operating means or unit can operate when the display body is in "each of the open position and turned rotated position". That feature is believed to clearly distinguish over the applied art.

Applicants also note one basis for the outstanding rejection appears to have been that the claim language previously recited the term "or", and the Office Action indicated that in the applied art to Bird the keypad adjacent the keyboard was operable in the mode in which the display screen faces the keyboard. The claim amendments are believed to clearly distinguish over that basis for the rejection. Specifically, in the claims the at least first

operating means or unit is operable when the display body is in each of the open position and turned rotated position. The outstanding rejection appears to recognize that Bird does not disclose such a feature. In fact in Bird the keypad does not appear designed to be used in any other positions than a standard operating position of the personal computer therein.

Moreover, the independent claims now recite additional features of the display controller and operating unit. Independent claim 1 now specifically recites:

> display control means for displaying a system menu showing processing items on said display screen based on an operation of said first operating means, wherein
>
> said first operating means includes at least an operating button, said second operating means includes an operating device dedicated for displaying of the system menu showing processing items and said operating device is dedicated for selecting the processing items[.]

The other independent claims recite similar features, and as noted above previously pending dependent claims 37-44 recited at least certain of the above-noted features. Applicants respectfully submit such features were improperly ignored in the outstanding Office Action.

The claims now recite displaying a system menu when operating the first operating means or unit, which is believed to clearly distinguish over the applied art.

In addressing that feature the Office Action at several points states:

> ...the Office interprets that each reference inherently discloses some element that is functionally equivalent to the display control means of Applicants' claims, since portable computers are well-known to execute an operating system program showing a system menu (Official Notice).

That basis for the rejection is believed to be improper and is not at all even understood.

First, the claims do not broadly recite even what is noted as well known. That is, the claims do not broadly recite executing an operating system program showing a system menu. The claims instead recite a specific first operating unit or means, which is at least an operating button and that is provided separate from the keyboard and adjacent to the

keyboard, and that can be operable when the display body is in each of the open position and turned rotated position, and being utilized to display a system menu. What is noted as well known in the Office Action is completely unrelated to the claims. The Office Action is clearly improperly disregarding all the claimed features.

Applicants also again traverse the Official Notice and require that prior art be cited which would indicate that it is well-known to execute an operating system program showing a system menu with such a first operating means or a unit with the details noted above. Clearly such a feature is not at all well known based on the rejection.

Moreover, applicants respectfully submit the features directed to the "display control means" and "first and second operating" means or units were not properly addressed in the Office Action, as the Office Action ignored positively recited claim features, and the significant benefits realized in the claimed invention.

More specifically the claimed structure provides a significant advantage in allowing a simple use by a user. With the claimed invention when the display device is in the turned rotated position, see for example Figures 7C and 7D in the present specification, the user's left hand can simply control the buttons B1-B4 and the user's right hand can simply control the dial 32. With such a structure a user can have a good grip on the processing device and still effectuate controls. None of the applied art teach or suggest such features or benefits.

Applicants submit the prior rejection to claims 37-44 also clearly did not even establish a proper *prima facie* case of obviousness. That is, as noted in M.P.E.P. § 2143:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The outstanding rejection to claims 37-44 has not even attempted to establish any of the three criteria noted above for a proper *prima facie* case of obviousness. That is, no reference or knowledge in the art suggests modifying the applied art to meet the specific limitations in claims 37-44. No disclosure in any art would indicate that any benefits could be realized by meeting the claimed structure. In fact it appears it is only the applicants of the present invention that have realized benefits with the claimed structure. Finally, no reference suggests all the claim limitations, as evident from the basis for the rejection.

In view of the foregoing comments, applicants respectfully submit the claims as written clearly distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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